

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SCANSOFT, INC.,

Plaintiff,

V.

C.A. No. 04-10353-PBS

VOICE SIGNAL TECHNOLOGIES, INC.,
LAURENCE S. GILLICK, ROBERT S.
ROTH, JONATHAN P. YAMRON, and
MANFRED G. GRABHERR,

Defendants.

**VOICE SIGNAL TECHNOLOGIES, INC.'S OPPOSITION TO SCANSOFT'S MOTION
TO COMPEL PRODUCTION OF MANFRED GRABHERR'S EMPLOYMENT
CONTRACT WITH KURZWEIL**

Voice Signal Technologies, Inc. (“Voice Signal”) submits this memorandum in opposition to ScanSoft, Inc.’s (“ScanSoft”) Motion to Compel Production of Manfred Grabherr’s Employment Contract with Kurzweil. Mr. Grabherr was employed by Kurzweil Computer Products for a very brief period in 1997. Kurzweil was acquired by Lernout & Hauspie, some of whose assets were thereafter acquired by ScanSoft. ScanSoft has requested production of any employment contract between Kurzweil and Mr. Grabherr. Voice Signal has informed ScanSoft that neither Voice Signal nor Manfred Grabherr is in possession of any such employment contract. There is nothing to produce, therefore, ScanSoft’s Motion should be dismissed.

Following the deposition of Manfred Grabherr on June 16, 2005, counsel for ScanSoft requested that Voice Signal produce a copy of any employment contract between Manfred Grabherr and Kurzweil. In a telephone conversation on July 15, 2005, counsel for Voice Signal

informed counsel for ScanSoft that Voice Signal was not in possession of the employment contract but had asked Mr. Grabherr to search for it and would produce it if its exists. Counsel for Voice Signal then confirmed this understanding in writing See Ex. A to Declaration of Wendy S. Plotkin filed herewith. Nevertheless, ScanSoft filed the instant Motion to Compel. On July 20, 2005 counsel for Voice Signal informed counsel for ScanSoft that Mr. Grabherr had performed a diligent search but was unable to locate a copy of any Kurzweil employment contract. See Ex. B. Neither Voice Signal nor Mr. Grabherr can produce a document they do not possess. Therefore, ScanSoft's Motion to Compel should be denied.

Respectfully submitted,

VOICE SIGNAL TECHNOLOGIES, INC.

By its attorneys,

/s/ Wendy S. Plotkin

Robert S. Frank, Jr. (BBO No. 177240)
Sarah Chapin Columbia (BBO No. 550155)
Paul D. Popeo (BBO No. 567727)
Paul E. Bonanno (BBO No. 646838)
Wendy S. Plotkin (BBO No. 647716)
CHOATE, HALL & STEWART LLP
Exchange Place,
53 State Street
Boston, MA 02109
(617) 248-5000

Dated: July 28, 2005